



[10191/538]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Marko MASCHEK et al.

Serial No. : 08/963,720

Filed : November 4, 1997

For : PROCESS FOR GENERATING COLLISION SIGNALS

Examiner : Jacques H. Louis-Jacques

Art Unit : 3661

Assistant Commissioner of Patents
Washington, D.C. 20231

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Signature

Dervis Magistre
DERVIS MAGISTRE
KENYON & KENYON

RESPONSE

SIR:

In response to the Office Action dated June 9, 1999, reconsideration and allowance
of the above-referenced application are respectfully requested in view of the following remarks.

REMARKS

Claims 1-6 remain pending in this application and are submitted for the Examiner's
consideration. Applicants note with appreciation the indication that claims 4-6 include allowable
subject matter.

Claim 1 stands rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to
particularly point out and distinctly claim the subject matter which Applicants regard as the
invention. In pointing out the supposed deficiencies of this claim, the Examiner makes two
points. First, the Examiner asserts that "it is not clear whether the 'simulated signal segments' are
being combined or whether they become inputs to the overall transmission function." Next, the
Examiner asserts that the "step of 'simulating...' becomes 'useless' since the result of the simulating
step does not affect the steps of 'combining' and 'forming'." Office Action at page 3. Utility of
claim limitations, however, is not the appropriate standard for evaluating claim limitations under 35
U.S.C. § 112, ¶2. Claim limitations are to be evaluated under this statute by the standard of
"whether those skilled in the art would understand what is claimed when the claim is read in light of
the specification." The Beachcombers, International v. WildeWood Creative Products, 31

*5th Response
w/affidavit
9-15-99
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